

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
October 20, 2009

Mayor Sullivan called the regular Common Council meeting to order at 7:35 PM.

Pledge of Allegiance

Roll Call: Aldermen Miller, Schmitter, Morgan, Nold, Larsen, Cochrane and Kohlenberg

Excused: Alderman Antonneau

Staff present: Mayor Sullivan, Gard, Beguhn, Gallo, Lamp, Kitsembel, Duffy, Frye, Leidel, Maurer, Steinbach and Coenen

Others Present: Atty. Chapman

Minutes of October 6, 2009: Motion by Cochrane to approve the minutes of the October 6, 2009 meeting as written; second by Miller. Motion carried 7-0.

Comments and suggestions from citizens:

- 1) Suellyn Shellpeper Rohrer, 918 W. LaBelle Ave. stated that those who have voiced an opinion should not be discounted and that the general public has had the opportunity to participate. Stated Council was elected to act on behalf of those they serve and a referendum does not serve the community well. She read an article on the City of Greenfield and stated Council should take responsibility and make a decision.
- 2) Joe Moroni, 416 Oakwood Ave. cautioned Council to look at the cost before proposing a referendum.
- 3) Laurel Whelan, 514 Silver Lake St. spoke representing the Downtown Merchants Association and handed out a letter containing 24 business owner signatures supporting the location of the Community Center in the downtown.
- 4) Paul Carpenter, 412 W. Wisconsin Ave. spoke representing the Lac LaBelle Lake District Management and as a resident in support of the expansion of City beach, having the Community Center downtown and selling the old YMCA building.
- 5) Pat Ornberg, Chamber of Commerce read a letter from the Chamber Board of Directors supporting the Community Center in the downtown district, which is consistent with two goals of the Downtown Revitalization Plan.
- 6) Donna Lillethun, 1101 Yosemite Rd. supports the Park & Recreation Board's top choices of building a Community Center on the Worthington/Wisconsin site, redoing the boat launch and expanding City beach to the east.

Consent agenda:

- A. Licenses
- B. Budget Amendment for Grants Received – July 1, 2009 – September 30, 2009
- C. Contract with Sawvell Roofing & Siding – Shingle Replacement for Fire Station #1
- D. Two Easements to WIDOT – W. Wisconsin Avenue Reconstruction
- E. Treasurer's Report

Kohlenberg asked that Item E. - Treasurer's Report be removed from the Consent Agenda. Motion by Cochrane to approve Items A. – D. on the Consent Agenda and remove Item E.; second by Larsen. Motion carried 7-0. Motion by Larsen to approve Item E. - Treasurer's Report; second by Cochrane. Kohlenberg questioned the inclusion of receipts and disbursements in the Treasurer's Report and when was the format created. Gard stated the formatting was changed in the last year but the report has always included receipts and disbursements. Kohlenberg then questioned specific disbursements. Staff responded that the Ruckert-Mielke disbursement was primarily for September invoices, the Highland Group disbursement was for the W. Wisconsin Avenue consultant, the Purchasing Card Program includes disbursements for various purchases, the Game Time disbursement is for playground equipment and miscellaneous is for smaller disbursements made throughout the month. Kitsembel stated the detail is in the vouchers that were approved by the Finance Committee. Motion carried 6-1. Kohlenberg voted no.

Committee Reports:

Utility – Antonneau, chairman, Nold, Larsen, secy

1. **Consider/act on Resolution to Contract for Legal Services from Reuter, Whitish & Cole, SC (City of Oconomowoc and Town of Oconomowoc Sanitary Sewer Dispute):** Nold reported that the City and Town have been engaged in discussions regarding excessive wastewater volume entering the sanitary sewer collection system since 2007. In January 2009 the City imposed a moratorium on the Town's entire Utility District and began using the legal services of Atty. Reuter to advise and represent the City on legal matters on an as needed basis. Utility Committee reviewed and recommend unanimously. Motion by Nold to adopt the resolution to contract with Reuter, Whitish & Cole, SC through 2010; second by Larsen. Motion carried 7-0.

Unfinished Business:

- A. **Consider/act on Ordinance Repealing and Recreating §12.04(5)(m)3. Relating to "Class A" Liquor Licensing for Drug Stores, Convenience Stores and Service Stations – 2nd Reading:** Motion by Nold to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Nold inquired if staff had received any comments or calls on this ordinance. Staff has not. Motion carried 7-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on Codification Ordinance – 2nd Reading:** Motion by Nold to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 7-0.

Old Business:

- A. **Consider/act on Establishing Time Limit on Labor Attorney Contract:** Sullivan reported that Council adopted Resolution #09-R2123 on 9/15/09 to contract with Ron Stadler as the City's labor attorney. On 10/6/09, Council made a motion to bring this item back to Council in order to establish a time limit on the contract. Motion by Nold to amend the resolution for the City's labor attorney contract to expire on December 31, 2010; second by Cochrane. Motion carried 7-0.

Plan Commission:

- A. **Consider/act on the Conditional Use Permit for Outdoor Institutional Land Uses for the YMCA, 1750 E. Valley Road:** Sullivan reported that this CUP is for the redevelopment and improvements to the YMCA's existing baseball fields which includes the Miracle Field. Plan Commission reviewed and recommends unanimously. Motion by Cochrane to approve the CUP for outdoor land uses for the YMCA; second by Morgan. Motion carried 7-0.
- B. **Consider/act on Resolution Amending the W. Wisconsin Avenue Right-of-Way Project Plat No. 1371-08-20; Sheet Numbers 4.1-4.8 and Relocation Order:** Sullivan reported that Council previously approved the Right-of-Way Plat for the W. Wisconsin Avenue reconstruction project scheduled for 2010. As a result of discussions with the WIDOT, it has been determined that work in the area of Parcels 57 – 65 can be done within the right-of-way and therefore, the City will no longer need to acquire land from those parcels for a temporary easement. Plan Commission reviewed and recommends unanimously. Motion by Cochrane to adopt the resolution amending the W. Wisconsin Avenue Right-of-Way Project Plat No. 1371-08-20; Sheet Numbers 4.1-4.8 and Relocation Order; second by Nold. Motion carried 7-0.

Reports and comments from the Aldermen: Larsen asked where the City is at in the process of the quiet zone application. Frye responded that the application was submitted in early 2009 and we should be hearing something in the next two weeks. Larsen thanked those who spoke earlier this evening for their comments on the Community Center. Kohlenberg stated he was at the groundbreaking for the new Fire Station #2, but what Council is missing is the cost analysis on the Leed options so Council can decide if they want to go in that direction. Beguhn stated he will contact the architect regarding acquiring Leed points and the cost, but that the intent is not to have a certified building.

Any Other Business that may properly come before this body:

- A. **Discussion about Community Center Site, Boat Launch and City Park Expansion:** Sullivan stated that the Park & Recreation Board presented Council on 10/6/09 with 17 alternatives for the Community Center site, boat launch and park expansion and ranked them. The 17 alternatives are variations of several core elements. Once Council decides on the core issues, funding can be decided. Staff currently estimates there is \$1M - \$2.4M of potential funding sources. The \$1M consists of a \$506K grant and \$500K of capital improvement reserves. These monies are available for all alternatives. The remaining potential funding of \$1.4M is dependent on the possible sale of City owned property. These items will be brought back to Council on November 3rd for discussion and action. The final

discussion item is the referendum which will be scheduled for discussion in December. The latest date for the City to certify a referendum question is February 19, 2010.

Larsen asked if the City knew if the property owners to the east of the City owned Worthington site and to the east of City Beach are interested in selling. Sullivan stated all the owners have expressed a willingness to discuss sale. Kohlenberg questioned the \$1.4M funding. Sullivan stated it is dependent on the sale of City owned property, which includes the old YMCA. The Y site was appraised in 2007 at \$1.4M and the property on Worthington is valued at \$400K. Kohlenberg questioned the \$506K grant and \$500K capital improvement reserves. Maurer stated the \$506K is a CDBG-EAP grant. Gard stated the \$500K reserves are from projects that came in under projection and is not specifically designated for this project. Council discussed a number of issues that included locating the Community Center on the old Baptist Church site, selling the YMCA site, beach expansion to the west not being feasible, redoing the boat launch, appreciating public comment, feedback received favors the Worthington St./Wisconsin Ave. site for the Community Center, grant money from the State, current site of Community Center and the potential to lose some of the CDBG-EAP grant money because of flooding issues, revitalization of the downtown, investing in Oconomowoc's future growth, TIF property and cost to residents.

Motion by Larsen to convene into Closed Session; second by Miller. Motion carried 7-0. Closed Session convened at 8:42 PM.

Closed Session: Per Wis. Stats. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." (LaFuente Restaurant)

Motion by Cochrane to adjourn the Common Council meeting; second by Nold. Motion carried 7-0. The meeting adjourned at 8:42 PM.

Diane Coenen, City Clerk